

FILED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

APR 19 2023

**U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS**

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
GINO RIVES,)
Defendant.)

4:23CR210 SRC/SPM

INDICTMENT

The Grand Jury charges:

COUNT 1

(Access Device Fraud)

Between on or about March 27, 2023 and on or about March 31, 2023, within the Eastern District of Missouri, the defendant,

GINO RIVES,

in a matter affecting interstate commerce, did knowingly and with intent to defraud use, and attempt to use, an unauthorized access device, that is: a prepaid debit card number issued to A.B. with an aggregate value exceeding \$1,000.00, that being, \$4,788.30.

In violation of Title 18, United States Code, Sections 1029(a)(2), (b)(1), and 2.

COUNT 2

(Fraudulently Effecting Transactions)

Between on or about March 27, 2023 and on or about March 31, 2023, in the Eastern District of Missouri, the defendant,

GINO RIVES,

in a matter effecting interstate commerce, did knowingly and with intent to defraud, effected transactions with Southwest Airlines in an aggregate amount of \$1,000 or more, that being \$4,788.30, through an access device, to wit: a prepaid debit card number issued to A.B.

In violation of Title 18, United States Code, Section 1029(a)(5).

FORFEITURE ALLEGATION

The Grand Jury further finds by probable cause that:

1. Pursuant to Title 18, United States Code, Sections 981(a) and Title 28, United States Code, Section 2461(c), upon conviction of an offense in violation of Title 18, United States Code, Sections 1029(a)(2) and 1029(a)(5), as set forth in Counts 1 and 2, the defendant shall forfeit to the United States of America any property, real or personal, constituting or derived from any proceeds traceable to said offense. Subject to forfeiture is a sum of money equal to the total value of any property, real or personal, constituting or derived from any proceeds traceable to said offense.

2. If any of the property described above, as a result of any act or omission of the defendant(s):

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;

- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America will be entitled to the forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

A TRUE BILL.

FOREPERSON .

SAYLER A. FLEMING
United States Attorney

TRACY L. BERRY, 014753 TN
Assistant United States Attorney